



Agenda Item Report

Legislative Board: Zoning Board of Adjustments
Date: October 30, 2025
Contact: Alejandro Hernandez
Agenda Item ID / Number: 2025-952- / G.2

ITEM TITLE: Hold a public hearing, deliberation, and possible action on a request for a Zoning Special Exception from the Unified Development Code (UDC) § 2.07.01 to increase the maximum impervious cover limit in the Suburban Residential (R-2) District to no more than 55 percent. This impervious cover limit would apply to a property known as Garlic Creek West Phase III, Section 8, Lot 81, Block B, +/- 0.18 acre, City of Buda, Hays County, TX; located at 141 Flannery Ln, Buda, TX 78610. (V 25-07) (Alejandro Hernández, Planner I)

1. EXECUTIVE SUMMARY

This is a public hearing and action item regarding a Zoning Special Exception request to increase the maximum impervious cover limit in the R-2 zoning district to no more than 55% for a property addressed 141 Flannery Lane. The proposal in relation to this request is a new residential pool; however, the impervious cover limit would also apply to existing structures, flatwork, and covered or compacted natural surfaces. The existing impervious cover within the property is already in excess of 50% of the total lot area, and the construction of the pool and related flatwork would bring the impervious cover on the property to approximately 52% of the total lot area.

This proposal requires a zoning special exception as UDC § 2.07.01 states that the maximum impervious cover allowed on a property be 50% of the total lot area.

Zoning special exceptions do not require a finding of undue hardship, and approval is specifically provided for and defined. The Zoning Board of Adjustments may authorize a zoning special exception to allow for:

- Adjusting any numerical standard by 10%.

2. BACKGROUND/HISTORY

The purpose of the City's zoning regulation and districts is to promote and protect the health, safety, and general welfare of the citizens.

The applicant has submitted a residential pool permit application (2025-256) that is proposing to construct a pool. The proposal requires a zoning special exception for approval for the following reason:

1. The property is already barely out of conformance with impervious cover being a little over 50% of the total lot area, and the construction of the pool and related flatwork would further increase the total impervious cover on the property to approximately 52% of the total lot area; the maximum impervious cover limit in the R-2 zoning district is 50% of the total lot area.

It should be noted that for calculating impervious cover, areas within pools that are underwater do not count as impervious cover; however, any surrounding decking does count. Additionally, wooden decks only half-count towards impervious cover calculations.

City staff finds that all other pertinent aspects of the pool as proposed are compliant with the UDC's zoning regulations and other relevant requirements.

3. ANALYSIS

Unlike zoning variances, zoning special exceptions do not require a finding of undue hardship, and approval is specifically provided for and defined. Should the Zoning Board of Adjustments find that "the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially injured," a zoning special exception may be authorized to allow for:

- Adjusting any numerical standard by 10%.

4. FINANCIAL IMPACT

Consideration of this item has no direct financial impact to the City.

5. STRATEGIC PLAN/GOALS

OTHER

6. STRATEGIC PLAN OBJECTIVES

N/A.

7. PROS AND CONS

Pros: The applicant would be able to proceed with their desired pool.

Cons: While the impacts from this proposal would be relatively minor, increased impervious cover would reduce opportunities for water to infiltrate into the ground—impacting drainage and groundwater supplies.

8. ALTERNATIVES

Approval of the zoning special exception is entirely discretionary based on the Zoning Board of Adjustment's judgement. As such, City staff present the following options:

1. Approve the request (as presented by the applicant).
2. Modify and approve the request.
3. Table the request pending receipt of additional information.
4. Deny the request.

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

City staff have reviewed the request and recommends that the Zoning Board of Adjustments approve the request.

Attachments:

[V 25-07 Location Map.pdf](#)

[V 25-07 Request Letter.pdf](#)

[V 25-07 Site Plan.pdf](#)